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RESOURCES OF NEBRASKA.

A BRIEF ACCOUNT OF ITS

SOIL, AGRICULTURAL AND MINERAL PRODUCTS,

Wonderful Increase in Wealth and Population,

AND

OTHER IMPORTANT INFORMATION TO IMMIGRANTS

AND OTHERS WHO DESIGN LOCATING IN THE WEST.

BY
B. M. DAVENPORT,
IMMIGRANT AGENT FOR NEBRASKA.

NEBRASKA CITY, NEBRASKA:
NEBRASKA PRESS PRINTING OFFICE.
1869.

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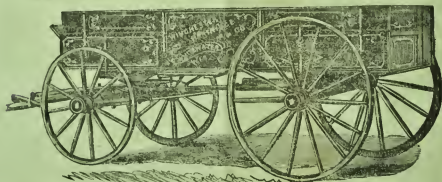
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INTRODUCTION.

I desire to say to readers of the following pages that they have been prepared to furnish information on the subjects therein treated of to those throughout the Northern and Middle States desirous of seeking homes in the West.—Owing to my rapidly increasing Real Estate business, and the office of State Immigrant Agent at large which I hold, I am receiving letters by the hundred inquiring about the soil, water, climate, health, products, etc., etc., of this State. To make satisfactory answers in the ordinary way to each of these letters of inquiry is next thing to an impossibility. I have, therefore, prepared this pamphlet, partly to save labor and expense on my part, and partly with the hope that it will impart more satisfactory information to correspondents than I could give in the space of a hurriedly written letter. If, however, any should want more particular information on any point than is given in these pages, I solicit a correspondence with them, and will take pleasure in answering their letters.

B. M. DAVENPORT,

State Immigrant Agent at Large.

NEBRASKA CITY, NEBRASKA, March, 1869.



RESOURCES OF NEBRASKA.

MOTTO.

"To the West, to the West, the land of the Free,
Where the mighty Missouri rolls down to the sea;
Where a man is a man, when he is willing to toll,
And the humblest may gather the fruit of the soil;
Where the young may exult, and the aged may rest,
Away, far away, to the land of the West."

NEBRASKA.

For the thousands of immigrants weekly pouring upon our shores, seeking homes and fortunes in the New World; for the young man ambitious to obtain an early competency and independence; for the men of the Eastern States and the Canadas whose years of hard toil among rocks and upon indifferent soil have brought but little more than a scanty subsistence to himself and a living from hand to mouth; and for the possessors of unemployed capital, the following hastily written pages may contain something of interest:

LOCATION OF NEBRASKA.

From the fortieth parallel to the latitude of forty-two degrees and fifty-one minutes, and East and West between the Missouri River and the Rocky Mountains, are lying vast bodies of land which are all, with but small and occasional exceptions, as rich and productive as any soil on the American Continent, warmed by the sun and watered by the rain and dews of Heaven.

Yet until very recently these lands were almost unknown to Americans. On every map of our common country was a large blank spot, simply marked "AMERICAN DESERT." But since the Union Pacific Railroad, through the genius, pluck and means of Americans has become a success, it has been proven beyond a shadow of doubt that books of history, maps of our country, and official reports to the Government, have been alike inaccurate and unjust; so much so, indeed, that it requires an effort from those who have seen and do

know what manner of soil and climate this vast Territory, now known as the State of Nebraska, really possesses, to comprehend why this rich and unrivaled soil, in the very heart of the American Continent, has remained so long unsettled and unimproved.

"Pray, where is Nebraska?" exclaimed John Van Buren, when accused by some one of conniving at the introduction of Slavery into that Territory.

It is on the same parallel with Pennsylvania and Southern New York. The Missouri River takes the pains to come all the way from our northern borders, along the British possessions, over a thousand miles, through much miserable country, and many hostile Indian tribes, to make an eastern boundary for Nebraska, separating it from the States of Iowa and Missouri. With Kansas on the South, Dacotah with the many Indian Reservations on the North, Wyoming and Colorado Territories West, it makes out to be thoroughly bounded. In Southern Nebraska is the geographical centre of North America, where is destined to be the future seat of empire and the granary of the world.

THE GENERAL ASPECT

Of this favored land is exceedingly attractive. It rises with gentle ascent from the Missouri River to the Rocky Mountains, in a series of majestic undulations, clothed with nutritious grasses, and enameled during all but the winter months with an endless variety of fragrant and gorgeous flowers. It is one unbroken stretch of arable land, with a drainage so perfect that not a swamp exists over its whole extent. The scenery is exceedingly picturesque and beautiful. The swelling surface of the upland prairie, and the high, rich table lands overlooking the streams, belted with a luxuriant growth of timber; the green flowery bottoms, and vales of quiet beauty, delight the eye and redeem the landscape from monotony.

CLIMATE.

Lying between the 40th and 43d parallels of North latitude, being on a line with Southern Iowa and Northern Missouri,—the climate is the most delightful of the temperate zone.

The winters are short and for most part mild. Not unfrequently farmers do all their sowing of small grain in February. Snow falls rarely, and lasts generally but a few days.

The summers are long and warm, the severe heat being relieved by the breezes wafting over the prairies. Spring opens early. Whenever the Missouri river freezes over, the ice breaks, as a rule, in the early part of March, sometimes even in February. Cattle and stock generally are turned out to graze in March or April, and corn is generally planted before the first day of May.

The latitude in which Nebraska is located, the mild and even temperature prevailing throughout the short winters, the constant circulation of air during the

hot season, the gently rolling face of the country affording a natural and complete drainage, all conspire to make Nebraska one of the most healthy spots on the earth. Invalids, suffering with lung difficulties in the East, have experienced great relief and not seldom complete cure, here.

Chills and fever, and other malarious diseases, which prevail to quite an extent in many of the Western States, where the lands are low and even, and without any natural drainage, are here almost unknown, except in localities adjoining standing water or marshy bottoms, which localities are very rare.

SOIL.

The soil of Southern Nebraska, comprising yet millions of acres of Congress land, subject to entry under the Homestead and Pre-emption laws, is equal in productiveness to any tract of the same extent in the Union. It consists of a deep, rich, dry, friable loam 3 to 10 feet in depth. Lime and clay abound; these mixed with humus form altogether the best of soils, and produce in the greatest abundance with very little labor, when once the ground is broken.

The following extract is taken from a description of the Territory by Bayard Taylor in his work entitled "Colorado." Bayard Taylor is probably the greatest living traveler, whose judgment and truthfulness stand high in the literary world. After having spent the Spring and Summer of 1866 between the Missouri River and the Rocky Mountains, he penned the following in his letters to the *Tribune*: "*The country of Nebraska is one of the most beautiful I ever looked upon. A little more sandy perhaps than Kansas but equally fertile, it presents the same general features. I am more than ever struck with the real difference between this region and that to the East of the Mississippi. Here, without any bold or prominent forms, there is none of the wearisome monotony of the prairies of Illinois. No unsightly clearings, ragged timber, or swampy tracts, but nature has given the smoothness and finish which elsewhere comes from long cultivation, and in twenty years from now, both Kansas and Nebraska will appear to be older than any other State West of the Alleghanies. From what I find in the region between the two rivers, and from what I hear of the valleys of the Neosho, the Republican, the Big and Little Blues, the Nemahas, and Loup Fork, I am satisfied that what I have seen is the average ordinary type of all the country. I consider Kansas and Nebraska, with the Western portion of Iowa, and Missouri, to be the largest unbroken tract of Splendid Farming Land in the World.*"

The fact of the matter is this, that farms having been worked for the past twelve years—since the first settlement of the Territory, show no depreciation of force, but promise to yield for scores of years without the aid of fertilizers of any kind.

The *Rural New Yorker* brings, in one of its late issues, the following:—"The finest garden mould in the State of Ohio or New York is not a whit better than the average Nebraska soil, which is light and free from lumps and stones, dark colored, easily worked and eminently productive. I would advise all

nursery men in the East to import a car-load of it to grow their most delicate plants in. They need take no precaution but send their orders to any Post Master or Railroad Agent and tell him to dig the first dirt he comes to and send it along.

"Some of the river bottoms have a sandy and porous sub-soil, generally the sub-soil is clay, but not too retentive of moisture. Hard rains do not subject Nebraska farmers to vexatious delays; they can go out in three hours after the heaviest rain without loading their boots with mud, and start their plows without the furrows filling with water, as in other portions of the West; they get several weeks the start of New York farmers in sowing their Spring crops, a very material advantage where *life* and the *seasons* are short at the longest."

TIMBER.

The greatest lack, and chief objection urged against settlement in many of the Western States, is the scarcity of timber. Nebraska is open to the objection but not to the extent to which it applies to many sections.

The Missouri River for most of the way has a heavy growth of timber for miles back on either shore, mostly cottonwood, sycamore, ash and black walnut. Add to this the quantity of oak, black walnut and other varieties of timber, bordering on the streams with which Nebraska abounds, and the occasional groves found on the prairie, and enough is found to meet the wants of the settlers.

Besides, such is the fertility of the soil that trees from the seed—the cottonwood, locust, walnut, gray willow, etc., can be produced in five or six years for fuel, at a much cheaper rate than timber lands in the East can be cleared and prepared for the plow.

As the herd law has been in force in nearly all the counties west of the river counties, timber required in other States for fencing has been saved, so that it is safe to assert that there is twice as much timber in Nebraska to day as there was ten years ago.

Let it be remarked in this connection that Coal has been discovered in Pawnee, Johnson and Lancaster Counties, which supplies all demands for fuel in the southwestern counties, at the rate of twenty cents a bushel at the mines.

The railroads now in successful operation, and those being built and contemplated, afford facilities for the introduction of pine lumber for building purposes as cheaply as it can be procured now in most Eastern localities. The price of pine lumber now ranges from \$30 to \$50 per thousand feet, and cottonwood lumber from \$22 to \$26 per thousand feet, the last named prices being paid for the very best qualities.

The early importation of pine lumber and railroad ties from other States, the development of coal mines at home, the growth of timber now engaged in and the introduction of hedges or live fences, argue an increase, rather than a diminution of timber, with the growth of population.

There is an abundance of water of good quality throughout Eastern Nebraska.

Scarcely a section, or even quarter section of land, but has its spring or stream of water. Water is reached by digging from ten to fifty feet, and lands not embracing living springs or streams may be supplied by wells and pumps worked by wind-mills.

PRODUCTS.

The products which thrive in Nebraska are too numerous for separate enumeration. The list would be an inventory of the productions of the temperate zone. All the cereals grow with rank luxuriance. The soil is rich in the chemical elements of which the different grains are composed. Corn, this indispensable pork-making cereal, flourishes in Nebraska as cotton in the Southern States, or sugar cane in Cuba.

If well planted and properly tended, it has yielded and will generally yield an average of eighty bushels to the acre.

The cost of raising corn last year, counting everything, was thirteen cents per bushel, and the average price has been fifty-five cents, with ready sales.

The Nebraska Spring Wheat has already become famous in the St. Louis and Chicago markets, as standing in price from ten to eighteen cents a bushel above any other spring wheat. It flourishes luxuriantly in a belt of country, extending one hundred miles West from the Missouri River, and averages twenty-six bushels to the acre.

Oats in Nebraska reach their very highest perfection. In the most fertile States of the West the greatest productiveness of oats is estimated at thirty bushels to the acre; but we know of many farmers in Nebraska who raised seventy-five bushels to the acre, two years in succession. Oats are generally worth from forty to fifty cents in the home market.

Barley grows very well in Nebraska and turns off a most excellent yield to the acre, but on account of the few breweries in the State, this grain has not received the attention heretofore to which it really was entitled, considering its present ruling prices.

Potatoes produce so abundantly in Nebraska that we hardly dare tell the number of bushels to the acre. But we have been assured by farmers known for their veracity and probity that they have raised from four hundred to five hundred bushels to the acre without any extra tillage. At all events the average yield can be safely taken to be three hundred bushels in ordinary seasons.

Vegetables of all sorts grow splendidly in Nebraska soils. Little facts are often suggestive of the fruitfulness of the soil. This fact is very prettily demonstrated by certain cabbages raised in different counties which weighed twenty pounds a head, and beets that were two feet long, turnips six inches in diameter, and "garden sass" to match.

FRUITS, &c.

The short settlement of Nebraska has not allowed much experimenting in the raising of fruits. Wild fruit of fine qualities abound. Strawberries grow every year in great profusion, rivaling many of the best cultivated varieties in size, and excelled by none in flavor. Blackberries, raspberries, gooseberries and mulberries grow in many localities in abundance, while nearly every year brings a great supply of wild plums and grapes. The native grapes of the country exhibit such vigor, productiveness, and rare flavor, as to warrant the belief that Southern Nebraska is destined to be the great wine producing section of the world.

However, from the orchards which are frequently seen on the farms of old settlers, (of eight or ten years standing), it becomes evident that Nebraska is admirably adapted to the cultivation of fruit. Two thousand bushels of peaches have been gathered by Wm. H. Lowe, in Otoe County, from a single acre, and for the last three years in succession his peach crop has not been a failure. Apples can be produced in illimitable quantities. The trees mature several years earlier than in New England.

THE MARKET,

For all kinds of produce is better than in any of the inland States. West of Nebraska are lying the extensive Territories of Colorado, Wyoming, Idaho and Montana, with their large mining population, who depend for their supplies entirely on the country east of them. Now it is very apparent that taking into account the great cost of transportation from more eastern States to Nebraska, and from here by way of the Union Pacific Railroad westward, that grain can be raised much cheaper in this State, and sold with a greater profit to the farmer.

Nebraska is bound to be the great producing country which is to supply the mountainous and mining districts of the Northwest, at least for many years to come. No intelligent or industrious farmer could come out here and not grow rich.

GRAZING STOCK.

There is one branch of agriculture which we will now mention, that of grasses. Blue grass and clover do well; but there is enough prairie grass growing in Otoe County alone to feed 100,000 head of cattle, mules, horses and sheep. The great luxuriance and excellence of the native grasses, the abundance of water and the mild climate, offer rare inducements to stock raisers. The expensive shelter necessary in colder climes can be dispensed with.

Fortunes can be made by feeding and fattening cattle on these boundless prairies with only the expense of herding. Sheep raising and wool growing must always prove remunerative.

EDUCATION.

No treaties on of the material interests of a State can be complete without some discussion of the spiritual forces which vitalize them.

Public wealth is often a cause of national decay. General prosperity implies the guidance of intelligence and morality. A spirit of freedom, equality

and progress imparts life to the educational system of Nebraska. Its legislators had the advantage of the experience of the older States and have organized a system of free public schools.

When Nebraska was admitted into the Union two years ago, it received sections 16 and 36 in every township in the State, as a gift from Congress for school purposes, besides 72,000 acres for an University, and 23,040 acres for an Agricultural College.

The Normal School in Peru affords excellent opportunities for professional discipline. It teaches the philosophy of education as well as the best process of practical instruction. In addition to its public schools, Nebraska possesses a large number of Seminaries for the education of young ladies, as well as students preparing themselves for College. Churches of all denominations, well frequented and liberally supported, are already found in almost every settlement.

Nebraska encourages immigrants by a just and generous care for the education of their children. Immigrants will find here not only rare opportunities for material success, but excellent facilities for the cultivation of those spiritual forces which determine the destinies of men and the greatness of nations.

THE GOVERNMENT.

The State of Nebraska has for a motto "equality before the law," and justly so; for it does not discriminate between a native or a naturalized citizen. It protects debtors by a law exempting a home and the necessities of life from forced sale on execution,—but on the other hand, it guarantees the creditor full and speedy justice at the hands of a well regulated system of judiciary.

Nebraska, with the exception of Iowa, is the only State in the Union which is free from State debt. Therefore, its inhabitants are not oppressed by a debt hanging over them, which can never be paid by this generation.

GROWTH OF NEBRASKA.

Nebraska had in 1855 a population of 1,500 inhabitants; in 1860, 2,600; in 1865, according to the census taken that year, 47,400, and the Presidential election of last fall gives proof of a remarkable increase of population, so that prudent statisticians estimate the population at not less than 100,000.

We clip the following from the editorial columns of the *New York Tribune*. A greater compliment to the resources of our young State could not be given, and it is the truth:

"Within nine years past Nebraska lands have increased most in value. They sell now for nearly four times as much as they did just before the war."

Nebraska paid in 1864, \$27,000 Government taxes; in 1865, \$40,000; and the last fiscal year, \$130,000. No State in the Union augurs a more prosperous thrift.

It requires no gift of prophecy to foretell the thronging millions who will, within a score of years, people this fertile State. The tidal waves of population

which follow the star of empire will not pause in their westward flow, till they break against the rocky barriers of Sierra Nevada. The rich mineral deposits of the Rocky Mountains will lead to an early settlement of the surrounding country. Soon, millions will people these boundless rolling prairies which lie between the Missouri River and the Black Hills. Cottages, hamlets and cities will spring up. Every resource of nature will be explored and wealth will be developed.

The exchange of commodities, in obedience to the laws of demand and supply will freight our railroads with the merchandise of a vast internal trade. In the accomplishment of this great national destiny, Nebraska will do her full part. But her present force is not equal to the development of her resources. She earnestly solicits assistance. She seeks self-reliant laborers of the Eastern States, and of the 200,000 sturdy immigrants who are annually landing at the ports of New York, Philadelphia and Baltimore. She promises a cordial welcome and liberal compensation to all classes of trained and skillful workmen.

COLONIES.

Parties who propose to settle in the West would do well to form colonies. Then they could at once command the advantages of organized communities. They could bear with them their household goods, and rear in their honor sacred and secular temples—the church and the school house. These institutions transplanted from a less genial clime, will flourish in Nebraska's fertile soil with a richer growth and mature the fruitage of a still fairer civilization.

Free Nebraska, inspired by the genius of republican liberty and the spirit of progress, will welcome the immigrant to the enjoyment of her advantages, and enrich his industry with generous recompense. Millions may accept the proffered hospitalities without exhausting the ample board which Nebraska spreads upon her table lands.

HOMESTEADS.

But Nebraska's broad and fertile acres especially need millions of able-bodied farmers. There are no less than five millions of acres of valuable lands in this State subject to entry under the homestead law.

By the following extracts from the laws of the United States it will be seen that any person who is the head of a family or twenty-one years of age, or if under that age, who has been not less than fourteen days in the army in time of actual war, and who is a citizen of the United States or has taken steps to become such, is entitled to receive from the United States a free homestead of 160 acres of Government land at \$1.25 per acre, or 80 acres of Government land at \$2.50 per acre upon simply paying to the land office a fee of \$14. After a residence of five years upon the land the title is complete and a patent, vesting in the occupant the fee simple of the property, is issued. The humblest manual laborer can, by the earnings of a single month, purchase a farm of one hundred and sixty acres of land that needs only tickling with a hoe to laugh with a golden harvest.

The following is communicated by the Commissioner of the General Land Office in reference to the manner of acquiring title to the public lands under different laws of Congress:

There are two classes of public lands, the one class at \$1.25 per acre, which is designated as *minimum*, and the other at \$2.50 per acre, or *double minimum*.

Title may be acquired by purchase at public sale, or by ordinary "private entry," and in virtue of the pre-emption and homestead laws.

1. At public sale where lands are offered at public auction to the highest bidder, either pursuant to Proclamation by the President, or public notice given in accordance with directions from the General Land Office.

BY "PRIVATE ENTRY" OR LOCATION.

2. The lands of this class liable to disposal are those which have been offered at public sale, and thereafter remain unsold, which have not been subsequently reserved or otherwise withdrawn from market. In this class of offered and unreserved public lands the following steps may be taken to acquire title:

CASH PURCHASES.

3. The applicant (this application may be made by an Agent) must present a written application to the Register for the District in which the land desired is situated, describing the tract he wishes to purchase, giving its area. Thereupon the Register, if the tract is vacant, will so certify to the Receiver, stating the price, and the applicant must then pay the amount of the purchase money.

The Receiver will then issue to the purchaser a duplicate receipt, and at the close of the month the Register and Receiver will make returns of the sale to the General Land Office, from whence, when the proceedings are found regular, a patent or complete title will be issued; and on surrender of the duplicate receipt such patent will be delivered, at the option of the patentee, either by the Commissioner at Washington or by the Register at the District Land Office.

LOCATIONS WITH WARRANTS.

4. Applications must be made as in cash cases, but must be accompanied by a warrant duly assigned as the consideration for the land; yet where the tract is \$2.50 per acre, the party in addition to the surrendered warrant, must pay in cash \$1.25 per acre, as the warrant is in satisfaction of only so many acres as are mentioned on its face. In the Southern Land District of Nebraska, all the Government Land is of the class above described as *minimum*.

A duplicate certificate of location will then be furnished the party, to be held until the patent is delivered, as in cases of cash sales.

The following fees are chargeable by the land officers, and the several amounts must be paid at the time of location:

For a 40-acre warrant, 50 cents each to the Register and Receiver - Total,	\$1.00
For a 60-acre warrant, 75 cents " " " "	\$1.50
For an 80-acre warrant, \$1.00 " " " "	\$2.00
For a 120-acre warrant, \$1.50 " " " "	\$3.00
For a 160-acre warrant, \$2.00 " " " "	\$4.00

AGRICULTURAL COLLEGE SCRIP.

5. This class of paper can no longer be used for the purpose of acquiring titles to the public lands of Nebraska.

PRE-EMPTIONS TO THE EXTENT OF ONE QUARTER SECTION, OR ONE HUNDRED AND SIXTY ACRES.

6. Those may be made under the general Pre-emption laws of 4th of September, 1841, U. S. Statutes, vol. 5, page 455, and 3d of March, 1843, vol. 5, page 916, upon "offered" and "unoffered" land, and in certain States and Territories West of the Mississippi, including that part of Minnesota East of the river, may have legal inception by actual settlement upon unsurveyed land, although in such case no definite proceedings can be had as to the completion of title until after the surveys are officially returned to the District Land Office.

7. The Act of March 3d, 1853, U. S. Statutes, vol. 10, page 244, extends the pre-emption for one quarter, or 160 acres, at \$2.50 per acre to every "alternate" United States or "reserved" section along the line of railroads.

8. The Act of March 27th, 1854, vol. 10, page 266, chap. XXV, protects the right of settlers on sections along the line of railroads, where settlement existed prior to withdrawal, and in such cases allows the tract to be taken by pre-emptors at \$1.25 per acre.

9. Where the tract is "offered," the party must file with the District Land Office his Declaratory Statement as to the fact of his settlement within thirty days from the date of said settlement, and within one year from that date, must appear before the Register and Receiver and make proof of his actual residence on, and cultivation of the tract, and secure the same by paying cash, or by filing warrant duly assigned to the Pre-emptor.

10. Where the tract has been surveyed and not offered at public sale, the claimant must file within three months from date of settlement and make proof and payment before the day designated in President's Proclamation for offering the lands at public sale.

11. Should the settler in either of the aforesaid cases die before establishing his claim within the period limited by law, the title may be perfected by the executor, administrator, or one of the heirs, by making requisite proof of settlement and paying for the land; the entry to be made in the name of "the heirs" of the deceased settler, and the patent will be issued accordingly.

12. In those States and Territories in which settlements are authorized by law on *unsurveyed* land, the claimant must file notice of settlement within three months after the receipt of township plat of survey at the District Land Office; and make proof and payment as required under 10th head in the foregoing.

LAWS EXTENDING THE HOMESTEAD PRIVILEGE.

13. The original Homestead Act of May 20, 1862, gives to every citizen, and to those who had declared their intentions to become such, the right to a homestead on surveyed lands. This is conceded to the extent of one-quarter section, or 160 acres, at \$1.25 per acre, or 80 acres of double minimum in any organized district embracing surveyed public lands, except in the five Southern Land States hereinafter mentioned, where the right is restricted to 80 acres minimum, and 40 acres double minimum.

14. To obtain homesteads the party must in connection with his application, make an affidavit before the Register and Receiver, (for exception see next section), that he is over the age of twenty-one, or the head of a family; that he is a citizen of the United States, or has declared his intention to become such, and that the entry is made for his exclusive use and benefit

and for actual settlement and cultivation, and that he has not abandoned an entry previously made under the Act.

15. Where the applicant is prevented by reason of bodily infirmity, distance, or other good cause, from personal attendance at the District Land Office, the affidavit may be made before the clerk of the court for the county within which the party is an actual resident.

16. The amendatory Act of March 21st, 1864, United States Statutes, vol. 13, page 35, relaxes the requirements of personal attendance at the district office to persons in the military or naval service, where the party's family, or some member, is *residing on the land* that it is desired to enter, and upon which a bona fide improvement and cultivation had been made. In such cases the said Act of 1864 allows the beneficiary to make the affidavit before the officer commanding in the branch of service in which he may be engaged, and the same may be filed, by the wife or other representative of the absentee, with the Register, together with the Homestead Application.

His claim in that case will become effective from the date of filing, provided the required fee and commissions accompany the same, but immediately upon his discharge he must enter upon the land and make it his bona fide home, as required by the original act of 20th May, 1862.

17. Under said Act of May 20, 1862, and the Supplement of March 20th, 1864, it is required that for Homestead entries on surveyed lands in Nebraska, fees are to be paid according to the following table :

Acres.	Price per Acre	COMMISSIONS:		FEE:	Total Fees and Commissions.
		Payable when Entry is made.	Payable when Patent Issues.	Payable when Entry is made.	
160	\$1 25	\$4 00	\$4 00	\$10 00	\$18 00
80	1 25	2 00	2 00	5 00	9 00
40	1 25	1 00	1 00	5 00	7 00
80	2 50	4 00	4 00	10 00	18 00
40	2 50	2 00	2 00	5 00	9 00

18. The Receiver will issue his receipt, showing such payment, either under the original act of 1862 or that of 1864.

The matter will then be entered on their records and reported to the General Land Office.

19. An inceptive right is vested in the settler by such proceedings, and upon faithful observance of the law in regard to settlement and cultivation for the continuous term of five years, and at the expiration of that time, or within two years thereafter, upon proper proof to the satisfaction of the Land Officers, and payment to the Receiver, the Register will issue his certificate, and make proper returns to the General Land Office, as the basis of a patent or complete title for the Homestead.

20. Where a Homestead settler dies before the consummation of his claim, the heirs may continue the settlement and cultivation, and obtain title, upon requisite proof at the proper time.

Where both parents die, leaving infant heirs, the Homestead is required to be sold for cash for the benefit of such heirs, and the purchaser will receive title from the United States.

21. The sale of a Homestead claim by the settler to another party before completion of title, is not recognized by this office, and not only vests no title or equities in the purchaser, but would be *prima facie* evidence of abandonment, and give cause for cancellation of the claim.

22. As the law allows but one Homestead privilege, a settler relinquishing or abandoning his claim, cannot thereafter make a second entry. Where an individual has made settlement on a surveyed tract, and filed his pre-emption declaration therefor, he may change his filing into Homestead; yet such change is inadmissible where an adverse right has intervened, but in such cases the settler has the privilege of perfecting his title under the pre-emption laws.

23. If the Homestead settler does not wish to remain five years on his tract, the law permits him to pay for it with cash or warrants, upon making proof of settlement and cultivation from the date of entry to the time of payment.

This proof of actual settlement and cultivation must be the affidavit of the party made before the local officers, corroborated by the testimony of two credible witnesses.

HOMESTEAD LAW.

AN ACT to secure Homesteads to actual settlers on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first of January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty-cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed; *Provided,* That any person owning and residing on land may, under the provisions of this act, enter other lands laying contiguous to his or her land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. And be it further enacted, That the person applying for the benefit of this act shall, upon application to the Register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one or more years of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States, or given aid and comfort to its enemies, and that such application made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified; *Provided, however,* That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry, and if, at the expiration of such time, or at any time within

two years thereafter, the person making such entry—or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided, further*, That in case of the death of both father and mother, leaving an infant child, or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and the executor, administrator, or guardian parent, shall, in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of the infants but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the Register of the Land Office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make returns thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted*, That if at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the Register of the Land Office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and to carry its provisions into effect, and that the Registers and Receivers of the several Land Offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate, by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any Register or Receiver: *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: *And provided further*, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all the privileges of this act: *Provided further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted*, That the fifth section of the act en-

titled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the five years, and obtaining a patent therefor from the Government, as in other cases provided by law, on making proof of settlement and cultivation, as provided by existing laws granting pre-emption rights.

Approved May 20, 1862.

AN ACT amendatory of the Homestead Law, and for Other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of any person desirous of availing himself of the benefits of the Homestead Act of the twentieth of May, eighteen hundred and sixty-two, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the District Land Office which the said act of the twentieth of May, eighteen hundred and sixty-two, requires, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, it shall and may be lawful for such person to make the affidavit required by said act before the officer commanding in the branch of the service in which the party may be engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the Register or Receiver; and upon such affidavit being filed with the Register by the wife, or other representative of the party, the same shall become effective from the date of such filing, provided the said application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2. *And be it further enacted*, That besides the ten dollar fee exacted by the said act, the Homestead applicant shall hereafter pay to the Register and Receiver each, as commission, at the time of entry, one per centum upon the cash price, as fixed by law, of the land applied for, and like commissions when the claim is finally established and the certificate therefor issued, as the basis of a patent.

SEC. 3. *And be it further enacted*, That in any case hereafter in which the applicant for the benefit of the Homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the District Land Office, it shall and may be lawful for him to make the affidavit required by the original statute before the Clerk of the Court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the Register and Receiver.

SEC. 4. *And be it further enacted*, That in lieu of the fee allowed by the twelfth section of the pre-emption act of the fourth of September, eighteen hundred and forty-one, the Register and Receiver shall each be entitled to one dollar for their services in acting upon pre-emption claims, and shall be allowed, jointly, at the rate of fifteen cents per hundred words, for the testimony which may be reduced by them to writing for claimants in establishing pre-emption or

homestead rights; the regulations for giving proper effect to the provisions of this act to be prescribed by the Commissioner of the General Land Office.

SEC. 5. *And be it further enacted*, That where a pre-emptor has taken the initiatory steps required by existing laws in regard to actual settlement, and is called away from such settlement by being actually engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land office to make, before the register or receiver, the affidavits required by the thirteenth section of the pre-emption act of fourth September, eighteen hundred and forty-one, the time for filing such affidavit and making final proof and entry of location shall be extended six months after the expiration of his term of service, upon satisfactory proof, by affidavit or the testimony of witnesses, that the said pre-emptor is so in the service, being filed with the register of the land office for the district in which his settlement is made.

SEC. 6. *And be it further enacted*, That the registers and receivers in the State of California, in the State of Oregon, and in the Territories of Washington, Nevada, Colorado, Idaho, New Mexico, and Arizona, shall be entitled to collect and receive, in addition to the fees and allowances provided by this act, fifty per centum of said fees and allowances as compensation for their services: *Provided*, That the salary and fees allowed any register or receiver shall not exceed in the aggregate the sum of three thousand dollars per annum.

Approved, March 21, 1864.

AFFIDAVIT.

LAND OFFICE at _____,

(Date.) _____.

I, _____, of _____, having filed my Application No. _____, for an entry under the provisions of the act of Congress, approved May 20th, 1862, entitled "An act to secure Homesteads to actual settlers on the public domain," do solemnly swear, that [*Here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age, that he has served not less than fourteen days in the army or navy of the United States during actual war; that said Application No. _____ is made for his or her exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever.*]

Sworn to and subscribed, this _____ day of _____, A. D. _____, before

[*Register or Receiver*] of the Land Office, or the Clerk of the Court for the County of _____, State of _____.

METHOD OF SELECTING LAND.

In choosing land, either for actual settlers or for speculation, I adopt two methods. I either select from *personal examination* of the land (and this consists in finding corners and tracing out lines,) or from my knowledge of the country, aided by reference to my maps and charts, and copies of the Land Office plats.

Selection from *personal examination* alone insures the choice of the best lands; while selection from maps or plats is attended with considerable risk—for land selected in the latter way may be good, or it may be inferior land.

TERMS.

Owing to the large amount of business I am doing in the way of entering land and securing homesteads, I can attend to such business at a comparatively trifling cost. Of course, I must charge more for selections made from *personal examination* than if made simply from maps and plats, and more per acre for a single quarter section than for several quarters. Persons desiring my services can ascertain prices by applying in person at my office, or by letter.

After entering land, I always send to the party for whom the land is taken a copy of the Land Office plats of the townships in which the lands lie; and when it is specially requested I send, postage pre-paid, a sectional map of Nebraska at the publisher's price, \$1.50.

WHEN TO SECURE LAND.

Persons intending to come West will find it greatly to their advantage to have their lands selected and secured for them before they come. By that means their lands will be ready for them to go upon at once, and they will not be at the delay and expense of hunting up lands after their arrival. Moreover, the best lands are being taken up VERY fast, and in a few months more all the most choice selections will be in the hands of actual settlers or speculators. The sooner, then, persons wanting to come to Nebraska or to invest capital in lands here, secure their lands, the better will be the lands which they get.

MY FACILITIES FOR SELECTING LAND.

Having been at several hundred dollars expense in obtaining topographical maps and correct copies of the Land Office plats of the greater portion of Nebraska; and being familiar with the streams and soil in the different parts of the State from personal observation—I feel confident that I can find desirable lands at less than half the cost of time and money it would require of any person who is a stranger in the country.

For four years I have been posting myself on the relative advantages, present and prospective, of the different sections and neighborhoods of our young State; and I now offer my services to those seeking homes in the West, with the bold assertion that *no man is better acquainted with Southern Nebraska than I am.*

CAUTION.

I would not be doing right to close this imperfect treatise on Nebraska, without stating some of the chief difficulties and privations to which all new comers must be more or less exposed. In the first place, the country is unsettled, and everything is new. The best lands lie on the extreme frontier, where settlers must be for a time without many near neighbors (unless they settle in colonies,) and where the advantages of schools and churches cannot be enjoyed immediately. Persons taking homesteads would for a while find themselves at a great distance from towns and market. The Indians are another source of terror to many new settlers, but the prospect is, that their day has passed, and that they will soon be as seldom seen in Nebraska as in New York or Pennsylvania.

In short, persons settling on the new lands of this "Star of the West State," must undergo for a season many privations and hardships not incident

to older settled States; and if they can not muster up courage and resolution enough to endure these privations and hardships for a year or two, they had better stay where they are, and spend their lives in poverty, if not in misery. We want no drones—none but industrious and energetic citizens. Our soil is too rich, our climate too mild and healthy, and our natural resources too great, to be wasted on persons of idle and trifling habits. With the right kind of citizens this is destined to become the greatest agricultural State in the Union; and, as Immigrant Agent for the State, I would not be doing right not to discourage those from coming who will not make good citizens.

Letter of Recommendation.

LINCOLN, NEBRASKA, February 13th, 1869.

To whom it may concern :

We take pleasure in recommending the bearer, B. M. Davenport, of Nebraska City, Nebraska, to the confidence of the public as a gentleman of the highest integrity of character.

Mr. D.'s long experience in the Real Estate business, and his thorough acquaintance with Nebraska lands, make his statements and views on that subject worthy of confidence and consideration.

DAVID BUTLER,
Governor of Nebraska.
ALVIN SAUNDERS,
Ex-Governor of Nebraska.
THOMAS P. KENNARD,
Secretary of State.
E. B. TAYLOR,
President of the Senate.
WM. McLENNAN,
Speaker House of Representatives.
JOHN GILLESPIE,
Auditor of State.

Commission of Authority.

DAVID BUTLER, Governor of the State of Nebraska,

To all to whom these presents shall come, Greeting :

Know ye that I, David Butler, Governor of the State of Nebraska, reposing special confidence in the integrity and ability of B. M. Davenport, of Nebraska City, do hereby, in the name and by the authority of the State of Nebraska, appoint and commission him Immigrant Agent, (without any compensation from the State of Nebraska,) and do authorize, empower and require him to execute and fulfill the duties of the office according to law ; and to have and to hold said office, with the rights, authorities, privileges and emoluments thereto appertaining, for and during the two years commencing February 13th, 1869, and ending February 13th, 1871.

In testimony whereof, I have hereunto set my hand and caused to be [L. S.] affixed the Great Seal of the State. Done at Lincoln, this 13th day of February, in the year of our Lord, 1869.

DAVID BUTLER.

By the Governor :

T. P. KENNARD, Secretary of State.

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